

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CHECKPOINT SYSTEMS, INC.	:	
	:	
Plaintiff,	:	
	:	CIVIL ACTION NO.
v.	:	01-CV-2223 (PBT)
	:	
ALL-TAG SECURITY S.A., ALL-TAG	:	
SECURITY AMERICAS, INC.,	:	
SENSORMATIC ELECTRONICS	:	
CORPORATION, and KOBE PROPERTIES	:	
SARL,	:	
	:	
Defendants.	:	

**AGREED MOTION FOR CANCELLATION, RELEASE, AND DISCHARGE OF
PLAINTIFF’S SUPERSEDEAS BOND**

Pursuant to this Agreed Motion, Checkpoint Systems, Inc. (“Checkpoint”), respectfully moves this Court for an Order directing the Clerk of this Court to cancel, release, and discharge the supersedeas bond in the amount of \$12,318,433.81 issued on Checkpoint’s behalf by Fidelity and Deposit Company of Maryland (“Bond”), which this Court approved on January 4, 2016 in connection with Checkpoint’s appeal to the United States Court of Appeals for the Federal Circuit. [Dkt. No. 376.] In support of this Motion, Checkpoint states as follows:

1. On December 21, 2015, this Court entered a Judgment against Checkpoint in the amount of \$10,265,369.84. [Dkt. No. 372.]
2. On December 30, 2015, Checkpoint moved to stay execution on the Judgment and approve a supersedeas bond in the amount of \$12,318,433.81. [Dkt. No. 373.]
3. On January 4, 2016, the Court granted Checkpoint’s motion, stayed enforcement of the Judgment, and approved the Bond. [Dkt. No. 376.] A copy of the Bond is attached hereto as Exhibit A. [See also Dkt. No. 373-1.]

4. On January 5, 2016, the Bond in the amount of \$12,318,443.81 issued by Fidelity and Deposit Company of Maryland on Checkpoint's behalf was posted with the Clerk of the Court.

5. On June 5, 2017, the United States Court of Appeals for the Federal Circuit reversed the Judgment entered by this Court. [Dkt. No. 380.]

6. On October 3, 2017, Defendants filed a petition for a writ of certiorari with the Supreme Court of the United States.

7. On January 8, 2018, the Supreme Court of the United States denied Defendants' petition for a writ of certiorari. A copy of the Supreme Court's denial is attached hereto as Exhibit B.

8. By virtue of the Federal Circuit's ruling reversing the Judgment, and the Supreme Court's denial of a writ of certiorari, Defendants no longer possess the Judgment requiring the Bond as security and the Bond is subject to cancellation, release, and discharge.

9. Checkpoint has conferred with counsel for Defendants and they have no objection to this Motion.

WHEREFORE, based on the foregoing, Checkpoint Systems, Inc. respectfully requests that this Court enter an Order directing the Clerk of this Court to cancel, release, and discharge the Bond in the amount of \$12,318,433.81 issued on Checkpoint's behalf by Fidelity and Deposit Company of Maryland, release Fidelity and Deposit Company of Maryland from any and all past, present and future liability in connection with the issuance of the Bond, and direct the Clerk of the Court to return the canceled Bond to counsel for Plaintiff.

January 29, 2018

Dennis R. Suplee
SCHNADER HARRISON SEGAL
& LEWIS LLP
1600 Market Street, Suite 3600
Philadelphia, Pennsylvania
(215) 751-2068

/s/ Anand C. Mathew
One of the attorneys for Plaintiff Checkpoint
Systems, Inc.

Robert J. Palmersheim
Anand C. Mathew
HONIGMAN MILLER SCHWARTZ
AND COHN LLP
One South Wacker Drive, 28th Floor
Chicago, Illinois 60606
(312) 701-9300

CERTIFICATE OF SERVICE

I, Anand C. Mathew, an attorney, certify that on January 29, 2018, I caused a true and correct copy of the foregoing to be served via email upon the following:

M. Kelly Tillery (tilleryk@pepperlaw.com)
Erik N. Videlock (videlocke@pepperlaw.com)
Charles S. Marion (marionc@pepperlaw.com)
PEPPER HAMILTON LLP
3000 Two Logan Place
Eighteenth and Arch Streets
Philadelphia, Pennsylvania 19103

Theodore A. Breiner (tbreiner@bbpatlaw.com)
BREINER & BREINER, L.L.C.
115 North Henry Street
Alexandria, Virginia 22314

Tracy Zurzolo Quinn (tquinn@reedsmith.com)
REED SMITH LLP
Three Logan Square
1717 Arch Street, Suite 3100
Philadelphia, Pennsylvania 19103

s/ Anand C. Mathew